IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.20996 of 2006

Dated: October 11, 2006

Between:

Mrs. Dr. V. Uma Rani, W/o. Late Dr. G. Hanumantha Rao, aged 53 years, Occ: Medical Practitioner, R/o. H.No. C-18, B.N. Reddy Towers, Opp: Skyline Theatre, Basheerbagh, Hyderabad, and others.

… Petitioners

And

Mir Hasan Ali, S/o. Mir Inayat Ali, Secretary/ Correspondent, The Academy of Computer Sciences and College, R/o.22-1-51/1, Sultanpura, Kali Kabar, Hyderabad, and others.

… Respondents

ORDER:

In this Writ Petition, the petitioners seek Writ of Mandamus to declare the action of the first respondent in not vacating their premises bearing Municipal No.4-1-825, admeasuring 4000 square feet on fourth floor, situated in J.N. Road, Abids, Hyderabad, as illegal and arbitrary, and, further, to declare that the petitioners are entitle for

damages in terms of rent from 15-06-2003 to 31-7-2004.

Heard the learned Counsel appearing for the petitioners and Sri Deepak Battacharyajee, learned Standing Counsel appearing for the respondent-University.

The petitioners claim to be the owners of the premises bearing No.4-1-825, admeasuring 4000 square feet, situated at fourth floor, in J.N.Road, Abids, Hyderabad. It is stated that the said premises was leased out in the year 1994 to the first respondent and subsequently the lease deed was executed in the year 1997 and the said lease was expired by 15-6-2003. It is the grievance of the petitioners that though the said lease is not governed by the provisions under the A.P. Buildings (Lease, Rent, and Eviction) Control Act, 1960, the first respondent is squatting on the property, without any authority of law. It is also the case of the petitioners that subsequent to the expiry of lease period, the first respondent has created fabricated lease deed and basing on the same, obtained recognition from the respondents 2 and 3.

From the averments made in the affidavit filed in support of the Writ Petition, the petitioners are seeking eviction of the first respondent from their premises on the ground that the first respondent is continuing in the premises without any authority of law even after expiry of lease period. It is also the case of the petitioners that though there is no lease deed executed, the first respondent has fabricated another lease deed and is continuing in the premises by running academy. Having regard to the allegations made, there are serious factual disputes, for which, the petitioners have to approach competent Civil Court for the relief. It is well settled that by raising such factual

disputes, the petitioners cannot seek any relief in this petition filed under Article 226 of the Constitution of India.

The Writ Petition is devoid of merits and the same is accordingly dismissed. However, it is made clear that it is open for the petitioners to avail any other remedy open under law. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 11-10-2006
MRR/Msnr.